

REMARKS

Claims 1 and 5-8 are currently pending. Claims 2-4 and 13-15 have been withdrawn from consideration. Claim 1 has been amended. That amendment does not add new matter.

The Examiner has required restriction among the following groups of inventions:

Group I: claims 1-8 are drawn to products of formula (I), wherein X is N;

Group II: claims 1-8 are drawn to products of formula (I), wherein X is C; and

Group III: claims 13-15 are drawn to a method for the treatment of a disease, which comprises administering to a subject in need an effective amount of at least one compound according to claim 1.

Applicants elect with traverse to prosecute Group II.

The Examiner has also required an election of a single compound for the initial search.

Applicants elect with traverse the compound of example 2, i.e., 2-benzylcarbamoyl-cyclopent-2-ene-carboxylic acid 2(S)-(hydroxyacetyl)-pyrrolidine amide. At least claims 1, 5, 6, 7, and 8 read on the elected species.

Applicants traverse the restriction requirement because, contrary to the position taken in the Office Action, the claims of the application do in fact possess unity of invention. According to PCT Rule 13.2 under “Markush Practice”, when the Markush group encompasses alternatives of chemical compounds, they should be regarded as being of a similar nature when “a common structure is present, i.e., a *significant structural element is shared by all of the alternatives.*” That “significant structural element” is defined as “a chemical structure which occupies a large portion of [the compounds’] structure.” *Id.* The compounds of the present invention all share a

common structural backbone. Accordingly, these compounds meet the level of similarity necessary for Unity of Invention under PCT Rule 13.2.

In addition, there should be no undue burden on the Examiner to examine all claims in one application. Applicants respectfully point out that the preliminary search conducted by the Office appears to be irrelevant for the present invention because the variable ring atom denoted G_1 is located at a different position than the variable ring atom denoted X in formula (I), so the preliminary results are not indicative of any search burden for the present claims.

Applicants also request that claims 13-15 be rejoined because those claims relate to a method for the treatment of a disease comprising administering at least one compound according to elected claim 1, wherein X is C. Those additional claims should not place an undue search burden on the Examiner.

For at least those reasons, the restriction requirement should be withdrawn.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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